IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

SUMMONS FOR JUDGMENT NO. 955 OF 2004

IN

SUMMARY SUIT NO. 1898 OF 2004

Mangal Ramji Shah .. Plaintiff.

vs.

Shree Ambe Construction
Pvt. Ltd,. & Ors. .. Defendants.

Mr. P.M. Shah for plaintiff.
Mr. Yogesh Thakar a/w Nirmal Devnani
i/by Meghraj & Asso. for defendants.

CORAM : S.U. KAMDAR, J.
DATE : 10TH OCTOBER, 2005.

P.C.

. The learned counsel for the plaintiff does not press the summons for judgment against the defendant nos. 2 and 3 and seeks deletion of defendant nos. 2 and 3 from the suit. Deletion is granted. Amendment to be carried out within one week. The suit arises out of the four dishonoured cheque for Rs. 1,13,000/-. There is no dispute as to the issuance of the said cheque and dishonour thereof. The only defence raised is that the

plaintiff is not the sole proprietor of M/s. Harsh Transport to whom the said cheque was issued. However, no evidence is produced by the defendant in proof of the aforesaid contention. In that view of the matter there is no merit in the said defence. Summons for judgment is made absolute. Suit is decreed as prayed.